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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/024,637	02/17/1998	REINHOLD WIMBERGER FRIEDL	PHN-16.244	8590

7590 12/14/2001

U S PHILLIPS  
580 WHITE PLAINS ROAD  
TARRYTOWN, NY 10591

EXAMINER

DINH, TUAN T

ART UNIT	PAPER NUMBER
2841	

DATE MAILED: 12/14/2001

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/024,637	WIMBERGER FRIEDL ET AL.	
	Examiner Tuan T Dinh	Art Unit 2841	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 06 November 2001.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 8 and 11-14 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 8 and 11-14 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)      4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_ .  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)      5) Notice of Informal Patent Application (PTO-152)  
 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ .      6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Continued Prosecution Application***

The request filed on 11/06/01 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/024,637 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 8 and 11-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Matsumoto et al (U. S. Patent 5,406,027).

As best understood to claims 8, and 12-14, Matsumoto discloses a printed circuit (1, column 2, line 63) as shown in figures 1E, 4, and 6-7 provided with a capping layer (17, column 3, lines 63-66). The printed circuit (1), which is a portable apparatus or mobile phone, comprises a printed circuit board (15, column 3, line 56) having at least one component (see figures 1, 4). The capping layer inherently possesses exhibits a variation of mechanical properties (column 3, lines 37-50, column 4, lines 21-24, and 33-35) in a direction at right angles (see figures 4, 6, and 7) to a surface of the capping layer such as the variation of the mechanical properties is a continuous variation. The circuit board (15) is provided with a synthetic resin-capping layer (17, column 3, lines 63-66) constituted by the housing of the mobile telephone.

As to claim 11, Matsumoto discloses a mobile telephone (1, column 2, line 63) as shown in figures 1, 4-7 comprising a housing (2, column 3, line 52) having a circuit board (15, column 3, line 56). The circuit board (15) is provided with a synthetic resin-capping layer (17, column 3, lines 63-66) constituted by the housing of the mobile telephone.

***Response to Arguments***

Applicant's arguments filed 9/7/01 have been fully considered but they are not persuasive.

Applicant argues:

- (1) Matsumoto fails to recite capping layer exhibiting a variation of mechanical properties in a direction at right angles to a surface of the capping layer.
- (2) Applicant recited a mobile telephone substantially corresponding to a printed circuit board of claim 8.

Examiner disagrees.

Regarding argument (1), Matsumoto teaches an "**elastic resin 17**", the elastic resins means: **Polymerized synthetic resin or Chemically modified natural resin**, which is equivalent to a "synthetic resin capping layer" and inherently has certain exhibiting a variation of mechanical properties in a direction at right angles as shown in figures 1, 4, and 6-7 (column 3, lines 35-50, 63-66, column 4, lines 21-24 and 33-35).

Regarding argument (2), Applicant recited a mobile telephone having a synthetic resin-capping layer, but not have variation mechanical properties such as corresponding

as a structure of a printed circuit board of claim 8. Furthermore, Matsumoto teaches a capping layer as disclosed in figures 1, 4, and 6-7.

**Conclusion**

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan T Dinh whose telephone number is 703-306-5856. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 703-308-3301. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-1341 for regular communications and 703-308-3431 for After Final communications.

Application/Control Number: 09/024,637

Page 5

Art Unit: 2841

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.



TD

December 12, 2001